

A meeting of the Jasper County Plan Commission was held Monday, January 23, 2017 at 7:00 pm in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Gerrit DeVries, Sandra Putt, Todd Peterson, Justin Rodibaugh, Kent Korniak (replaced John Korniak) and Bryan Overstreet. Also present: Todd Sammons, Randle and Sammons, Mary Scheurich, Director of Planning and Development; Kelli Standish, Secretary. Absent were: Jim Walstra, Vince Urbano and Jim Martin.

Meeting was called to order by Board President Sandra Putt. The first order of business was the call for approval of the October 2016 minutes.

Gerrit DeVries made the motion to approve the October 2016 minutes. Motion was seconded by Justin Rodibaugh and carried unanimously.

Election of Officers for 2017

Motion was made by Gerrit DeVries and seconded by Justin Rodibaugh to retain the same officers from the previous year. Motion carried unanimously.

Officers for 2017 are as follows:

President -----	Sandra Putt
Vice President -----	Bryan Overstreet
Secretary -----	Jim Martin

Plan Commission members need to make an appointment of a Plan Commission member to sit on the Board of Zoning Appeals board. John Korniak was a member of both boards and since he resigned we need to replace him on the Board of Zoning Appeals. He has been replaced on the Plan Commission board by Kent Korniak.

Kent Korniak stated that he would sit on the Board of Zoning Appeals if everyone was ok with that.

Gerrit DeVries made the motion to nominate Kent Korniak as the new Board of Zoning Appeals member. Motion was seconded by Justin Rodibaugh and carried unanimously.

Discussion for the March meeting.

Sandra Putt asked if we wanted to change the March meeting date or not have a meeting since the meeting date falls on Spring Break and we are usually down in numbers of board members because they are on vacation.

Gerrit DeVries stated that there may not even be anything on the agenda. He is concerned if someone really needs to be on the March agenda but we already said we weren't having one then the applicants have to wait a month.

Gerrit DeVries made the motion to move March meeting date from March 27, 2017 to March 20, 2017. Motion was seconded by Kent Korniak and carried unanimously.

Rezone

Cause#PC-8-16

Applicant: James Kreiger/Prairie Creek Ag Lands LLC

Location: Sec.4-32-6 – Wheatfield Twp. - 300W. & 400W. S. of 1700N.

Use: Rezone R1 to A1 - Proposed Sand Mining

Public hearing held pursuant to notice July 15, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Mary Scheurich stated that Attorney Bailey has requested that the application be continued to the March meeting so the Archeologist has time to complete the field work and surveys of the land. They felt like they would have everything ready by the March meeting.

Kent Korniak asked why they continued the application the first time.

Mary Scheurich stated that the hearing was held in July and Attorney Bailey represented the applicant and stated why they wanted the rezone. The board members requested the application be continued until the September meeting so the applicant could obtain more information and possibly have the DNR be present at the next meeting. They still didn't have the information from the Archeologist for the September meeting so they requested a continuance to the January meeting.

Gerrit DeVries stated that that area is loaded with Indian Artifacts. This area is part of history. When he had made the motion to continue the hearing until this area is approved and ok by the division of archeology in the state of Indiana they have to say that there is nothing to be found there. We know that there are still a lot of artifacts there. This is a historical grave site and it should be protected by all means. This property should never be a sand mine.

Attorney Sammons replied that he wanted to make sure that everyone knew that this board would not be the one making a decision in respect to the mining of the property. The special exception for mining is with the Board of Zoning Appeals.

Gerrit DeVries replied that the Plan Commission will be voting on if the property should be rezoned from R1 to A1.

Mary Scheurich replied that she was told that the archeologists have been to the

property but they do not have the report ready yet.

Sandra Putt asked if anyone present had any opposition to the application.

Bernard Seeger's was present and stated that the Attorney for the applicant was wanting an extension for the Board of Zoning Appeals.

Mary Scheurich replied that the Attorney ended up withdrawing their application with the Board of Zoning Appeals since they still did not have the information that was requested, the Special Exception is subject to the rezoning application and there was nothing on the Board of Zoning Appeals agenda and she felt like the members did not need to make a trip in for a continuance request. If the rezoning does obtain approval then they will file for a Special Exception application with the Board of Zoning Appeals. The bad thing is with them continuing to continue the application is the notice seems to get confusing as to when the meeting is.

Bryan Overstreet asked if they deny the continuance then they would have to re-notify the adjoining landowners and run the public notice in the newspaper.

Attorney Sammons stated that legally if they have provided proper legal notice to the public with the notice being ran in the newspaper and the adjoining landowners being notified they can continue a meeting without having to provide those notices again. The thought is, that if those that received notice want to speak they are going to show up at the next meeting whether it is continued or not and they would have had notice that the meeting was continued to a certain date. At some point like Mary Scheurich stated the notice of when the meetings are people are going to forget about them. It would be his opinion since the application has been so drawn out, that is something the board should take into consideration on whether the application should be continued or not.

Justin Rodibaugh asked if the applicants keep continuing their application since the board has asked them for more information and they are not able to get the requested information.

Attorney Sammons replied affirmatively.

Bryan Overstreet made the motion to deny the continuance that was requested by the applicants. The applicants will need to re-file the application, public notices and notify the adjoining landowners if they want to get back on the agenda. Motion was seconded by Gerrit DeVries and carried with a vote of 5 members in favor and Justin Rodibaugh opposed.

Rezone

Cause#PC-1-17

Applicant: Robert and Connie Rice

Location: Sec.17-31-6 – Walker Twp. – 400W. & 800N. NW Corner

Use: Rezone A1 to A2

Public hearing held pursuant to notice in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Mary Scheurich stated that we found out last week that the applicant did not run the notice of public hearing in the newspaper. They did post the public sign on their property and the adjoining landowners were notified of the public hearing. We contacted the applicant of this error and they requested the application be continued to the next regular meeting.

Attorney Sammons stated that really this is not a continuance because there was no legal notice to begin with.

Mary Scheurich replied that there was legal notice to the adjoining landowners.

Kelli Standish replied that she has received calls in regards to what they were proposing to do and there was a couple here tonight about it, but left once I told them they were asking for it to be continued.

Attorney Sammons stated that his opinion is because they did not provide proper notice to the public, there is no meeting to continue. If they were here tonight we could not hear the application. He suggested to Mary Scheurich that they are basically starting over but will not have to pay another filing fee for the rezone application, but will have to advertise the public meeting in the newspaper, re-send notice to the adjoining landowners and change the date on the public notice sign that is posted on their property.

No motion needed to be made since this was not a public hearing.

Gerrit DeVries stated that at the County Council meetings we always had some time after the meetings for public comments, is there any reason why we would not be able to have that after the Plan Commission? He feels we are serving the public and they should be able to ask about some concerns or questions they have. Is there any particular reason why the Plan Commission cannot have public comments after the meeting?

Attorney Sammons replied that he does not know of any legal reason if they so choose to do so.

Mary Scheurich stated that she has recently checked into that with some other Plan Commissions to see if that is an issue that they have ran into. She was told recently that some Plan Commissions have been allowing that and they give them a 5 minute time limit to state their concerns or questions. She thinks that would be up to the Plan Commission if they want to open the end of the meeting up to the public or not.

She also has rules of procedures prepared and that is a section in that that I did put in there so that we have that in writing.

Gerrit DeVries made the motion to allow the public to be able to ask questions or state their concerns in a 5 minute time period after the Plan Commission meeting. Motion was seconded by Todd Peterson and carried unanimously.

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

Sandra Putt, President